

# MINUTES

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## McCall City Council Regular Meeting Thursday, January 13, 2005

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### CALL TO ORDER AND ROLL CALL

Mayor Eimers called the regular meeting of the McCall City Council to order at 6:09 P.M. Mayor Eimers, Council Member Bertram, Council Member Greer, Council Member Muller and Council Member Robertson answered roll call. A quorum was present.

**City staff members present were Amanda Townsend, City Treasurer; Anne Kantola, Library Director; Brock Heasley, Parks and Recreation Director; Chris Yorgeson, City Attorney; Dan Irwin, City Clerk; Lindley Kirkpatrick, City Manager; Pat Dorris, Utility Services Worker; Ralph Appa, Police Chief; and Shawn Kohtz, City Engineer.**

**Mayor Eimers led the Council in the Pledge of Allegiance.**

## **PUBLIC COMMENT**

**Mayor Eimers called for public comment.**

**As there were no public comments made, Mayor Eimers closed the public comment period at 6:12 P.M.**

## **CONSENT AGENDA**

Council Member Robertson provided editorial corrections to the December 2, 2004 minutes to be made prior to the Mayor signing them.

Council Member Robertson inquired about the payment made to AmeriGas. Mr. Kirkpatrick explained the expense was made for utility costs at the old fire station. He stated that the payment was expended from a line item in the Council budget since the costs for the renovation of the building was moved to that line item.

Council Member Bertram asked about the staff's research into the legality of discussing hardship payments in executive session. She stated that she isn't comfortable approving hardship payments without knowing who they are being paid for. Mr. Kirkpatrick asked if the Council would like to pull the hardship payments from the warrant register. Council Member Bertram stated that she would approve the payments this time but would like a list of the hardship recipients prior to the next approval request. Mr. Kirkpatrick stated that staff intends to present an action item for Council approval at the next regular City Council meeting.

Council Member Robertson inquired about the expense for the satellite phone. Chief Appa stated that the satellite phone was purchased under the Homeland Security grant. He stated that the phone is located in the Police Station and is used only if needed.

Council Member Robertson asked about the expense for the Airport virtual domain. Scott Findlay stated that the Airport has a web page which is equipped with a webcam that can be used by pilots to get a feel for the conditions.

Council Member Robertson asked about the expense paid to Collins Body and Paint. Mr. Kirkpatrick explained that a wrecker had to be used to get a loader unstuck during the heavy snowfall. Bill Keating stated that the loader was leaning against a power pole, and the wrecker was needed because of safety concerns.

Council Member Robertson asked about the expense paid to Holladay Engineering for the marina development review. Mr. Kirkpatrick stated that the expense was paid for a pre-application meeting held with the developers of the proposed project.

Mayor Eimers announced there were two additions to the agenda, an additional warrant register on the consent agenda and a business item for the purchase of a rotary mower.

**Council Member Robertson moved to approve the Consent Agenda as amended, and authorize the Mayor to sign all necessary documents. Council Member Muller seconded the motion. In voice vote, all Council Members voted aye. The motion carried.**

## **BUSINESS AGENDA**

### **AB 05-01 Mountain House Vendor Agreement / Resolution No. 05-01**

Anne Kantola, Library Director, stated that Mountain House, Inc. approached the McCall Public Library Board of Trustees about the possibility of entering into a contract to reproduce prints of images selected from the McCall Public Library archives and providing them for sale to the public. Mountain House proposed to donate ten percent (10%) of the wholesale price to the McCall Public Library for each print that is purchased. She said that the City has an existing contract with the vendor for similar services. Ms. Kantola stated that the Library Board of Trustees has unanimously recommended presenting the Vendor Agreement to the City Council for consideration.

Carrolyn Jacobsen, Sales and Finance Director for Mountain House Inc., stated that the photos are wanted by the public. Mountain House will supply the initial publishing costs and the City will be provided with two photos of every print. She stated that the preservation of the historical photos is very important for the City's history and by executing the contract, Mountain House will be able to digitally archive the prints.

Council Member Bertram stated that the City may want to consider looking into a solution that provides for fireproof storage of the photos. She asked if the photos would have to be taken off site for reproduction. Ms. Jacobsen responded that the photos would have to be taken to their studio for reproduction due to the setup of their equipment. She stated that the utmost care would be taken to protect the photos from ultraviolet lighting.

Council Member Greer asked if the storage area for the digitally archived photos would be secure. Ms. Jacobsen stated that their environment was secure, and they will be able to copy the images onto CD. She stated that Mountain House would provide the CD's for sale to the public. Ms. Kantola stated that she would have David Simmons place the City's copies onto tape and have them stored in the vault at the bank.

Council Member Bertram stated that the City should consider investing money for digitally archiving the photos. Ms. Jacobsen suggested that the City should consider using the incoming donations to purchase the required equipment. She stated that the City will be surprised by the amount of money that will be received from the sale of the prints.

Council Member Bertram stated that she would like to see the concepts of the agreement published in the newspaper in order to let people know that the prints will be available for purchase.

**Council Member Greer moved to adopt Resolution 05-01 and authorize the Mayor to sign all necessary documents. Council Member Bertram seconded the motion. In a roll call vote, Council Member Greer, Council Member Muller, Council Member Bertram, Council Member Robertson and Mayor Eimers voted aye. The motion carried.**

#### **AB 05-04 Appointment of Parks and Recreation Advisory Committee Member**

Brock Heasley, Parks and Recreation Director, stated that the Parks and Recreation Advisory Committee has had a vacancy on the Committee since November. He stated that the Committee has recommended the appointment of Cynthia Feeley to a three year term. He stated that Ms. Feeley was the only applicant who submitted a letter of interest to the Committee.

Council Member Bertram asked why some Committees such as the Planning and Zoning Commission and the Local Option Tax Commission are required to have members who are residents of the City, while others like the Parks and Recreation Advisory Committee don't. Mr. Kirkpatrick stated that the membership of the Planning and Zoning Commission and Local Option Tax Committee are established by City Ordinance. Council Member Bertram requested that staff research if the Local Option Tax Ordinance can be amended to allow nonresident business owners the ability to be appointed.

**Council Member Greer moved to approve the appointment of Cynthia Feeley to serve a three year term on the Parks and Recreation Advisory Committee. Council Member Robertson seconded the motion. In a voice vote, all Council Members voted aye. The motion carried.**

#### **AB 05-06 SMR Regional Lift Station Easement Acquisition / Resolution 05-02**

Bill Keating, Public Works Director, stated that on December 15, 2004 the City Council approved a resolution authorizing the acquisition of a 20-foot easement located on Lot 20 of Timberlost IV subdivision for the Spring Mountain Ranch Regional Lift Station. He stated that the property owner has since requested some changes be made to the wording of the easement agreement, which the City Attorney has encompassed into a new resolution and easement agreement for the Council's approval.

Council Member Robertson stated Tammy Zokan, City Attorney, advised against making one the requested changes, and asked if the property owners were in agreement with the revised agreement. Mr. Keating stated that the agreement had been signed by the property owners so he assumes that they must have approved the attorney's changes to the agreement.

Council Member Greer asked if the changes to the agreement would require the City to pay for repairs to the property if the line had to be dug up. He stated that he is concerned about the potential expense that could be required from the City in the future if the agreement is approved.

Mr. Keating stated that the City will be required to repair the landscaping to its original state if the line was to be dug up. He stated that the agreement still doesn't allow for the property owners to place a permanent structure on the easement. Mr. Keating stated that the property owner has agreed to a very fair price for the easement which is located on the Golf Course.

**Council Member Bertram moved to adopt Resolution 05-02 and authorize the mayor to sign all necessary documents. Council Member Robertson seconded the motion. In a roll call vote, Council Member Bertram, Council Member Robertson, Council Member Muller, Council Member Greer, and Mayor Eimers voted aye. The motion carried.**

Brock Heasley introduced Cynthia Feeley to the City Council. Ms. Feeley thanked the City Council for her appointment to the Parks and Recreation Advisory Committee. She stated that she looks forward to serving on the Committee

#### **AB 05-09 Appointment of Planning and Zoning Commission Member**

Mr. Kirkpatrick stated that Robert Youde had submitted a letter of interest to serve on the Planning and Zoning Commission as an impact area resident. He stated that the Commission is comprised of three city residents and two impact area residents. Mr. Kirkpatrick stated that Commission members are appointed to three year terms, so Mr. Youde would serve until January 2008.

**Council Member Robertson moved to direct the Mayor to appoint Robert Youde to the Planning & Zoning Commission, to a term expiring on January 31, 2008. Council Member Muller seconded the motion. In a voice vote, all Council Members voted aye. The motion carried.**

Mayor Eimers announced the appointment of Robert Youde to the Planning and Zoning Commission.

Mr. Youde thanked the Council for his appointment to the Commission.

### **AB 05-10 Airport Manager Position**

Mr. Kirkpatrick stated that the current Airport Manager, Kevin Delaney, was resigning from his position. He stated that with the opening, the City now has an opportunity to look at what the goals and expectations are for the Airport Manager position. He stated that discussion has occurred in the past if the position should be more administrative and managerial in nature, or if maintenance and snow removal should be the primary focus of the job. Mr. Kirkpatrick said that the Airport Advisory Committee had met last week to discuss the position. He stated that they took the position that the position should focus on administration and management rather than maintenance. The Committee members thought that the position should oversee the maintenance and snow removal of the airport rather than it being a primary duty of the job. The Committee suggested making an addition to the general statement of duties in the job description as providing leadership and management of the Airport. The Committee also recommended not over emphasizing the need for a Bachelor's degree in Airport Management as a requirement for the position.

Council Member Muller stated that the management of the airport should be the primary focus of the job, but the position requires a person that can perform snow removal as well due to the weather. He would like to find a person that is capable of handling both responsibilities if it is possible. He believes that a local person might be able to handle both requirements of the job.

Mayor Eimers stated that the arrangement for the Airport Manager being responsible for the snow removal was made due to the financial constraints at the time. He stated that those circumstances are different now and he would like to see the Public Works Department be responsible for the snow removal at the facility.

Council Member Robertson added that the Airport Advisory Committee indicated that they would like see a local person appointed to the position.

Council Member Bertram stated that she sees the position in the same fashion as other Department Heads and would like the focus to be on administration and management.

Pat Dorris, Utility Services Worker, stated that he would be willing to apply for the position depending on what the Council decides. He knows what goes on at the airport and thinks he could do the job. Mr. Dorris stated that he received his commercial pilot's license in the 1980's and worked at the airport prior to being hired at the Public Works Department.

Mr. Kirkpatrick stated that he isn't hearing a need to change the position's job description based upon what the Council is indicating. He stated that the Airport Advisory Committee sees the position as focusing on management and supervision rather than focusing on snow plowing. He stated that the Committee indicated they were seeking a candidate who was good at management and had a desire to learn the maintenance aspects of the job.

Mayor Eimers stated that the airport is going to need leadership and planning due to the growth in the area.

Council Member Greer stated that he worries that safety at the airport would suffer if an emphasis on maintenance was made for the position.

Council Member Robertson stated that the Airport Manager position was previously contracted for hire until former City Manager Brian Olson created the position. He stated that the City needs to contact Tamarack in order to adequately plan for the future needs of the facility.

Council Member Bertram stated that she agrees the job description should make it clear that a degree isn't required if equivalent experience is adequately shown.

Council Member Robertson added that the Airport Advisory Committee would prefer to have a licensed pilot in the position.

Mr. Kirkpatrick stated that as a Department Head position, the City Manager will make a selection for the position for the City Council to confirm. He stated that he would like to make sure the selected candidate is compatible with both the City Council and the Airport Advisory Committee. He stated that he offered the membership of the Airport Advisory Committee the ability to assist with the screening and interviewing process. Mr. Kirkpatrick extended the same offer to the members of the City Council.

Council Member Robertson stated that he liked Mr. Kirkpatrick's practice of including the affected parties at the front end of the selection process and having them stand behind and support the chosen candidate.

Council Member Greer asked how the position would be advertised. Mr. Kirkpatrick stated that the job announcement would be published in a professional journal for Airport Managers, on the City's website, in the Star News, and possibly in the Idaho Statesman.

It was decided that Council Member Muller and Council Member Robertson would represent the City Council in the screening and interview process for the position.

Mayor Eimers asked if Bill Keating was serving as interim Airport Manager. Mr. Kirkpatrick stated that Mr. Keating was not serving as the official interim Manager, but is responsible for the lead maintenance at the facility.

## **AB 05-11 Sewer District Inclusion Requests**

Mr. Kirkpatrick stated that the Payette Lakes Recreational Water & Sewer District has recently received four applications from proposed developments requesting inclusion into the Sewer District. Mr. Kirkpatrick explained that inclusion is roughly equivalent to annexation, and is required before the District will extend sewer service to the property. He stated that the City typically doesn't see applications for inclusion but recent development has been occurring at the City's borders where the projects are either located in the City limits, or are requesting for annexation into the City. Mr. Kirkpatrick stated that the Whitetail development is requesting annexation into the City, and that the Sewer District has already approved their inclusion request. He stated that the developers of the Fox Ridge subdivision have requested annexation into the City and have applied for inclusion into the Sewer District. Mr. Kirkpatrick stated that Scott Findlay has also requested annexation into the City, and also has applied for inclusion into the Sewer District. Mr. Kirkpatrick stated that the developers for Aspen Ridge Phase Three have also had preliminary discussions about possibly seeking inclusion by the District and is physically located within the City limits.

Mayor Eimers asked what was required in the Inclusion process. Mr. Kirkpatrick stated that the developer submits an application for inclusion into the District and pays the associated fee.

Council Member Robertson stated that it is important to note that the District has been working in conjunction with the City in providing notification of the inclusion requests.

Mr. Kirkpatrick stated that staff from the District is often present when a pre-application is discussed. He stated that the relationship at the staff level hasn't been to compete for sewer customers. Mr. Kirkpatrick stated that he is seeking input from the Council of whether the City should promote practice of inclusion when a development is located within the jurisdiction of the City, and should the City provide comments to the Sewer District when they receive the inclusion requests.

Council Member Greer asked how a developer benefits from requesting annexation from the City and also seeking inclusion by the Sewer District.

Scott Findlay stated that it will cost him more for inclusion into the Sewer District, but there is a guarantee that he will be issued a will-serve letter for sewer service. He will end up having to pay the District \$900,000 more than what he would to the City in order to have sewer service to the development. Mr. Findlay stated that he would seek the service from the City if they were able to issue the will-serve letters.

Council Member Bertram stated that the only reason the cost will be more to hook into the District's system is because Mr. Findlay will have to pay for the hookup fees in advance, and then he will pass those added costs onto the purchaser.

Mayor Eimers said that it is important to note that capacity of the system will be used regardless of who approves the service to the development.

Council Member Muller stated that he isn't sure that the capacity of the system exists regardless who approves service to the development.

Mr. Findlay stated that he could avoid a request for annexation by drilling a well, hooking into the Sewer District's sewer lines, and not being a part of the City. Mr. Findlay stated that although the City can't provide sewer service at this time, annexation would allow him to serve the development with City water and would be beneficial to the City's tax base.

Council Member Muller stated that he doesn't have enough flow data to determine exactly how much the City and Sewer District individually contribute to the Sewer system. He stated that based upon what he has heard from the City and District's Engineers; an accurate flow calculation needs to be developed before approving a development that exceeds 153 equivalent dwelling units. Council Member Muller stated that even by having accurate flow data, the problem with the land application of the effluent isn't addressed. He stated that the 24" of irrigation isn't being used, the actual number of acres in use is in question, and the farmers appear to be opposed to the concept of 1:1 application. Council Member Muller stated that he couldn't support the approval of any more development until he has answers to the questions surrounding the sewer system.

Council Member Bertram asked how the Sewer District can make the determination that they have capacity but the City doesn't. She asked how the District can approve the inclusion requests of four subdivisions when the City can't issue any will-serve letters. She stated that she agrees with developers lining up to obtain will-serve letters until the problem is resolved. Council Member Bertram stated that she would rather support development in the infill areas before approving requests for annexation.

Bill Burke, Payette Lakes Recreational Water and Sewer District Operations Manager, stated that the District's inclusion policy is to issue will-serve letters when the inclusion request is approved. He said that the Whitetail development was previously included in the District under the old acreage and was approved for 200 hookups. Whitetail changed their PUD and asked for 35 new hookups with the addition of the new acreage which they purchased from Boise Cascade. Mr. Burke stated that the District has already approved the inclusion request made from the developers of Whitetail, and it was in their plans to do so all year.

Mr. Burke stated that the total capacity of the sewer system is unknown. He stated that the situation looks better than the original projection, and there might be things both groups can do to help the situation.

Mr. Burke stated that the District has monitored their flows since day one so they know exactly what volume they contribute to the treatment plant. He said that there is a flow

meter at the plant that monitors total flow. Mr. Burke stated that the District can arrive at what they contribute to the system by subtracting their contribution from the total flow calculation. Mayor Eimers stated that the City needs to be able to rely on their own flow data before accepting the District's numbers. Mr. Burke stated that he understands the City's position in wanting to obtain their own data.

Council Member Bertram asked if approval for inclusion into the District resulted in the issuance of will-serve letters. She asked if the developers would still have the will-serve letters if the City refused their annexation requests. Mr. Burke stated they would still have the will-serve letters, but only if their requests for inclusion was approved. Mr. Burke clarified that only the Whitetail request had been approved and that the other developments were still in the petition process.

Mr. Burke stated that it isn't the District's intention to fight over the amount of hookups. They would like to avoid inclusion near the City limits, but they also have an obligation to serve their patrons and grow accordingly. Mr. Burke stated if the capacity of storage lagoon is exceeded the river discharge permit will have to be utilized.

Mayor Eimers stated that the two groups shouldn't be arguing over who is going to provide service to new developments. It is the intention on everyone's part to provide the service to the customers.

Mr. Burke stated that there are only a few developments even being discussed. He said that the Fox Ridge development is obviously an area where the City would like to grow to, but there aren't any sewer lines in the area. Mayor Eimers stated that he agrees that it doesn't make sense for the City to provide sewer to the Whitetail development if the District already has lines at the project. Mr. Burke stated that the district has a line directly located on Scott Findlay's project, and the City's lines are close by. He stated that the District is considering all the ramifications of approving the inclusion requests including total system capacity.

Mayor Eimers stated that the City needs to decide how to handle annexation requests where it will only be providing water service. Council Member Robertson stated that as a general rule he would only like to see the City approve annexation requests when all of the essential services can be provided to the area.

Ray Woods, Aspen Ridge Developer, stated that they plan on making an application to the Planning and Zoning Commission in March. He stated that they have talked to the Sewer District about possible inclusion but were told they had to get a letter from the City saying they couldn't provide sewer service to the development. Mr. Woods stated that he would either like the City to give them permission to talk to the Sewer District or to issue them a will-serve letter. He stated that they are a partner in the construction of the regional lift station, but if their inclusion application is approved they will no longer be a participant in the project. Mr. Woods stated that they need a quick answer in order to draw up a sewer plan for the Department of Environmental Quality or they will possibly miss their building season.

Mayor Eimers stated that everyone needs to realize that the volume of the sewer system will ultimately be consumed regardless of who serves the development. He stated that if there is capacity in the system, approval for the project should be done in a manner that benefits all. Mayor Eimers stated that it is the intention to serve the developments that are coming to the area.

Mr. Woods stated that they would like to discuss inclusion into the District since the City can't issue will-serve letters at this time. It would be more financially feasible to hook-up with the City, but they can only receive approval from the District at this time. He stated that they are in a different position than Mr. Findlay and the others since they are already located in the City limits.

Council Member Bertram stated that she would rather serve sewer to existing areas in the City such as Aspen Ridge Phase III rather than approving new areas for annexation. She stated that she was of the understanding that the City Engineer was going to explore alternatives where developers could provide for I&I reduction in exchange for approval of their projects.

Mr. Kirkpatrick stated that the Council will soon be seeing plans where developers will provide for I&I reduction in exchange for approval of their projects, but that the number of dwellings seeking to be approved will be significantly less than the ones being discussed tonight.

Mr. Kirkpatrick stated that the 836 available hookups referenced by Mr. Kohtz in his previous presentation doesn't account for the 683 hookups which have already been dedicated. Mr. Kirkpatrick stated that number of remaining hookups is actually estimated to be 153 dwelling units.

Mayor Eimers stated that the total capacity number cited by the City Engineer assumes that all of the sewer customers are residing in the City 100% of the time. He stated that the use from part-time residents should be taken into account when determining overall capacity.

Mr. Kirkpatrick stated that staff has developed a plan to install portable flow meters in strategic locations to monitor the difference in flow rates between part-time and full-time residents. He stated that the meters will be installed in a subdivision like Syringa where the majority of residents are full-time residents, and in another where the majority of residents are part-time residents. Mr. Kirkpatrick stated that the data from the meters should be able to provide an accurate measure between the difference of what a part-time and full-time resident contribute to the flow of the system. He estimates that there will be accurate flow data for the Council to review in July or August.

Council Member Muller asked what effect the inclusion will have on the land application problem. Mr. Kohtz stated that the allowance for any additional hookups assumes that the problem with the land application is solved. He stated that the inclusion of the

Whitetail development may very well result in the storage capacity being exceeded at the winter storage lagoon.

Mr. Kirkpatrick suggested that Council approve him sending a letter to the Payette Lakes Recreational Water and Sewer District stating that the City isn't interested in battling over customer hookups but are concerned about the total system capacity and fear that it has possibly been reached already.

Council Member Muller asked what the estimated timeline was before the City will be able to begin issuing will-serve letters again. Mr. Kirkpatrick responded that he can't give a definitive answer until there is accurate flow data to analyze. He stated that with the addition of the portable flow meters it may be possible to have an idea in the summer. Mr. Kirkpatrick cautioned that even with the flow data there is still a bottleneck with the land application of the effluent.

Council Member Eimers asked if a meeting with the J-Ditch Pipeline Association farmers had been scheduled yet. Council Member Robertson stated that Bill Burke from the Payette Lakes Recreational Water and Sewer District has contacted Mr. Maki and Mr. Bettis to schedule a meeting.

Council Member Robertson stated that he is currently reviewing the contracts and agreements with the District and the farmers. He stated that State Representative Ken Roberts has agreed to assist in the process of meeting with the farmers to discuss the issues. Council Member Robertson stated that the plans for the land application of the J-Ditch effluent began in 1995-1996 and that the City chose to let Barry Albert act as an intermediary. He stated that it is now important for the city to get grounded knowledge by acting directly with all the parties that are involved.

Council Member Robertson stated that it has also been discussed to hold a meeting with the Department of Environmental Quality whose staff has all new personnel. He stated that some communities are applying treated effluent at a lower ratio than what is approved for the City of McCall. Council Member Robertson stated that DEQ needs to provide reasons and potential solutions to the problem. He stated that a new solution needs to be developed for managing the sewer in the area within the next 13 years.

Scott Findlay stated that the City should seek a new treatment plant that would allow an environmentally sound way to discharge into the Payette River. He stated that a discharge in the high flow seasons wouldn't adversely affect Cascade Lake due to all of the tributaries that flow into it. Mr. Findley stated that the City needs to pursue as much I&I reduction as is financially possible. He stated that the City also needs to begin immediately generating additional money from sewer rates or development hookup charges to use for another solution because the City is in real trouble.

Mr. Kirkpatrick stated that the idea of charging impact fees to developers has been discussed but a study must be conducted to arrive at a figure. He stated that the City can't arbitrarily choose an amount to be charged for development. Mr. Kirkpatrick

stated that the Council hasn't approved the concept yet, but staff is working on allowing development to continue in exchange for I&I reduction.

Council Member Robertson stated that he would be receptive to the idea of developers providing for I&I reduction in exchange for approval of their applications, but he couldn't support approving an arbitrary number charged to developers.

Mayor Eimers stated that he would be reluctant to approve a request for annexation if both water and sewer services couldn't be provided to the area by the City. He stated that it doesn't matter if the sewer service to Mr. Findlay's development is served by the City or the District. The issue is community-wide, and the community needs to work together in determining if the capacity to serve the development exists.

Council Member Greer stated that he doesn't have a problem approving annexation requests for areas that would be served by both the City's and the District's utility services. He stated that he would like it voiced to the Sewer District that they need to work together with the City in determining a solution for the future.

Council Member Muller stated that it's difficult to conceive the idea of paying off a debt for a system that may not be able to be used. He believes the most important concern is determining the overall capacity of the system and to ensure that neither party is responsible for making the storage pond overflow.

Mr. Findlay recommended that the City be cooperative with the Payette Lakes Recreational Water and Sewer District in figuring out a solution to the program. He asked that the City not fight with the District over flow data or the Department of Environmental Quality could issue a moratorium like they did in Kuna. He stated that there isn't a turf war between the District and City over customers, but there is a turf war over existing capacity in the system.

Council Member Muller stated that he doesn't know what the capacity percentage is for each entity, but he is afraid the total capacity might be exceeded if the requests for inclusion are approved.

Mr. Kirkpatrick stated that based upon what he has heard from the Council, he would like to prepare a letter to the Sewer District outlining that the City doesn't want to fight with the District over serving customers, the City would like to collectively provide service where it is needed, that the City is concerned about the overall capacity of wastewater treatment facility, the City urges caution for approving the inclusion requests, and that the City would like to work collectively with the District to arrive at both short and long term solutions for providing sewer service.

**Council Member Greer moved to direct the City Manager to prepare a letter to the Payette Lakes Recreational Water and Sewer District outlining the five points discussed by the Council. Mayor Eimers seconded the motion. In a voice vote, all Council Members voted aye.**

A break was taken from 8:50 P.M. to 8:55 P.M.

### **AB 05-13 Rotary Lawn Mower Lease Purchase / Resolution 05-03**

Mr. Heasley stated that the proposed resolution would authorize the purchase of a rotary lawn mower and snowplow for the Parks department.

Council Member Robertson stated that the purchase was discussed in the budget process and is needed for the department to perform their duties.

**Council Member Robertson moved to adopt Resolution 05-03 and authorize the Mayor to sign all necessary documents. Council Member Greer seconded the motion. In a roll call vote, Council Member Greer, Council Member Robertson, Council Member Muller, Mayor Eimers, and Council Member Bertram voted aye. The motion carried.**

## **REPORTS**

Mr. Kirkpatrick stated that the attorneys at Trout Law Offices would like to schedule an executive session with the Council at the next regular meeting. He stated that the executive session would be scheduled for 5:00 p.m. on January 27, 2005.

Mr. Kirkpatrick stated that he would like to schedule a work session with the City Council and the Payette Lakes Recreational Water and Sewer District to discuss long term solutions for the current sewer issues.

Mr. Kirkpatrick stated that the auditors are prepared to present the final audit report at the next regular meeting. He asked if the adoption of impact fees was still the number one priority for the use of any surplus fund balance. Council Member Bertram stated that she would like to see a Request for Proposals issued in order to secure a consultant to lead the process for adopting the impact fees.

Mr. Kirkpatrick stated that Kerr Surveying had recently discovered that Dr. Nokes had previously donated a water tank site to the City. He stated that by utilizing the site for the construction of the water tank, the City will save \$225,000 by not having to construct a booster station and an additional \$138,000 for not having to supply three phase power. Mr. Kirkpatrick stated that the discovery was just found and that staff will continue to do more research about the site.

Bill Keating, Public Works Director, stated that the property was donated to the City in 1993 and was recorded with the Valley County Recorder in 1994. Mr. Keating asked for permission from the City Council to continue exploring the idea of using the Nokes site

for the construction of the water tank. The Council agreed that exploring the use of the site would be in the best interests of the City.

Mr. Kirkpatrick stated that a snowmobile group would be holding a meeting on January 25th at the Best Western to discuss trail grooming. He stated that the group had invited the City Council to attend. Council Member Bertram added that the meeting was being scheduled to discuss problems with the groomers. She stated that the group hoped that the Council could assist in convincing the County Commissioners to do something about the problem.

It was determined that a notice of the meeting would be posted as a possible quorum of Council Members would be present.

Chris Yorgeson, City Attorney, stated that the City Council needs to be careful when discussing proposed developments prior to receiving recommendations from the Planning and Zoning Commission. He stated that premature discussions could be misconstrued by the public as ex parte communication.

Brock Heasley stated that he is still working on a resolution for the placement of the fish pen docks. He stated that he will seek Council's issuance of a special use permit prior to the placement of the docks. Council Member Bertram asked if the problem with the property owner had been resolved. Mr. Yorgeson stated that the property owner had failed to file an appeal with the State Board of Lands within the allotted time. He stated that in order to solve the problem, a public hearing will be held prior to the issuance of the permit.

Council Member Bertram asked if the floating barge owned by the Chamber was still in existence. Mr. Heasley stated that he believed the barge still existed, and that all of the Styrofoam was removed to avoid the problems encountered last year.

Council Member Bertram stated that Heartland Gymnastics is in the process of applying for building grants and that it would be beneficial if they could cite a land donation from the City. She asked if the Council could plan on taking action on a proposal to donate the land to the organization. Mr. Heasley stated that the Parks Advisory Committee is currently working on a timeline for the development of the park which will be presented to the Council. Council Member Robertson asked if Heartland Gymnastics could be informed that the City plans on donating land to the organization to facilitate their grant writing plans. Mr. Heasley stated that a conflict exists as the Parks Advisory Committee doesn't want to see a building developed on the site. Mr. Heasley stated that he is in the process of accurately identifying the entire land area which is owned by the City in order to make plans for the use of the land. Council Member Bertram stated that the Committee needs to be convinced that it's in the best interest of the City to donate the land to the non-profit agency.

Mr. Kirkpatrick stated that he would like to resume the practice of having individual Committees appear before the Council on a monthly rotating basis.

Shawn Kohtz, City Engineer, reported that he has been busy reviewing development applications. He stated that there had been a rush of applications submitted by developers as a response to the fear of no capacity left in the sewer system. Mr. Kohtz stated that he is also diligently working on the wastewater issue.

Council Member Robertson stated that a special meeting should be scheduled with the entire City Council membership to discuss the capacity of the sewer system, and that an executive session should be scheduled as part of the meeting to discuss potential strategies.

It was agreed that a Special Council meeting would be scheduled for January 24, 2005 at 6:00 P.M.

Council Member Greer suggested the possibility of drafting a resolution that establishes a stop time for the regular City Council meetings.

Council Member Robertson stated that he takes offense to the November 9, 2004 Police Advisory Committee minutes which said the Agenda Bill for the appointment of the Committee members was pulled due to the political climate in the community. He stated that the Council needed to find out if there was still a need for the Committee to exist before approving additional appointments.

Council Member Robertson asked the City Clerk to forward him the limits of insurance coverage that ICRMP recommended for the Senior Center.

Council Member Robertson requested that staff remember that he had previously requested to be included in the BDPA survey process.

Council Member Robertson stated that he was contacted by an individual who suggested that there was a possibility of performing other development on an earlier schedule at the airport. He stated that in order to do so they would have to work in conjunction with the Forest Service and begin a dialogue with the Federal Aviation Administration. Council Member Robertson stated that the Airport Advisory Committee will be meeting in the immediate future to make a recommendation to the Council on whether or not to proceed with the triangle project.

Mayor Eimers stated that a small group needs to be assembled for a discussion with the Congressional Delegation's office in Boise regarding the City's water and sewer rates. It was determined that Mayor Eimers, Council Member Muller, and Mr. Kirkpatrick would be the representatives for the City at the meeting.

Mayor Eimers stated that it was discussed last fall that the City would develop an overall plan for making improvements to the City of McCall such as expanding bike paths and paving the streets. He stated that he would still like to see the City develop the plans for doing such.

Council Member Bertram asked if the southern corridor for the Four Corners project has been put out to bid. Mr. Kohtz stated that the Idaho Transportation Department is responsible for putting the project out to bid, and they will probably do so in late spring.

## **EXECUTIVE SESSION**

**At 9:32 P.M., Mayor Eimers moved to go into executive session per Idaho Code 67-2345(1b) to discuss personnel matters. Council Member Greer seconded the motion. In a roll call vote, Mayor Eimers, Council Member Bertram, Council Member Greer, Council Member Robertson and Council Member Muller voted aye. The motion carried.**

The discussion pertained to personnel matters.

**At 10:21 p.m., Mayor Eimers moved to come out of executive session. Council Member Robertson seconded the motion. Mayor Eimers, Council Member Bertram, Council Member Greer, Council member Muller, and Council Member Robertson voted aye. The motion carried.**

## **ADJOURNMENT**

**Without further business, Council Member Greer moved to adjourn. Council Member Robertson seconded the motion. All Council Members voted aye. The motion carried. The Council adjourned at 10:22 P.M.**

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Kirk L. Eimers, Mayor

**ATTEST:**

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Dan Irwin, City Clerk